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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 Gearhead Productions, Inc.,  
12 Plaintiff,  
13 v.  
14 Gearhead Outfitters, Inc.,  
15 Defendant.  
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No. 2:23-cv-02331 KJM JDP  
ORDER

17 Defendant Gearhead Outfitters (defendant) seeks a two-month continuance of all pre-trial  
18 and discovery dates set forth in the court's modified Scheduling Order. Plaintiff Gearhead  
19 Production (plaintiff) opposes the motion, arguing defendant has not shown good cause and has  
20 not been diligent. The court **grants** the motion.

21 **I. BACKGROUND**

22 Plaintiff filed this action in 2023, alleging trademark infringement. *See generally* First  
23 Am. Compl., ECF No. 11. Defendant filed a motion to dismiss in December 2023. *See* ECF  
24 No. 14. The court issued the scheduling order on August 8, 2024, and set the fact discovery  
25 deadline for December 20, 2024. Min. for Sch. Conf., ECF No. 28. On November 4, 2024,  
26 plaintiff moved to continue all pre-trial and discovery deadlines for four months. ECF No. 34.  
27 The court granted the motion in part and extended all pre-trial and discovery deadlines for two  
28 months. *See* Order (Dec. 18, 2024), ECF No. 41. On January 30, 2025, defendant filed an *ex*

1 *parte* motion (Mot.) to extend all pre-trial and discovery deadlines by two months. ECF No. 49.  
2 The matter is briefed and is submitted. *See Opp’n*, ECF No. 52.

## 3 **II. LEGAL STANDARD**

4 Parties can only modify a scheduling order upon a showing of good cause. Fed. R. Civ. P.  
5 16(b). “The good cause standard primarily considers the diligence of the party seeking the  
6 amendment.” *Kamal v. Eden Creamery, LLC*, 88 F.4th 1268, 1277 (9th Cir. 2023) (internal  
7 marks and citations omitted). “Although the existence or degree of prejudice to the party  
8 opposing the modification might supply additional reasons to deny a motion, the focus of the  
9 inquiry is upon the moving party’s reasons for seeking modification.” *Id.* (internal marks and  
10 citations omitted).

## 11 **III. ANALYSIS**

12 Defendant’s central argument is that plaintiff tardily raised complaints about defendant’s  
13 responses to document requests on January 9, 2025, *see* Mot. at 3, and propounded new document  
14 requests on January 20, 2025, Mot. Lane Decl. ¶ 11, making it difficult for defendant to meet the  
15 February 20, 2025, fact discovery deadline. As defendant acknowledges, plaintiff has agreed to  
16 extend the fact discovery deadline to respond to its requests. *See id.* Defendant argues it needs  
17 the expert disclosure, rebuttal expert witnesses, expert discovery, and dispositive motion  
18 deadlines extended as well so that it can “secure amended responses and responsive documents  
19 from plaintiff that remain outstanding.” *Id.* The court, however, is at least partially persuaded by  
20 plaintiff’s argument that defendant appears to have caused its own “time crunch” and needs to  
21 stop relying on *ex parte* motions to this court for scheduling extensions as a bail out. *See Opp’n*  
22 at 5. Nevertheless, the court finds good cause to allow defendant one more continuance.

## 23 **IV. CONCLUSION**

24 For the reasons stated above, the court **grants** defendant’s motion for a continuance. The  
25 discovery and pre-trial deadlines are reset as follows:

- 26 • Fact discovery to be completed by April 25, 2025.
- 27 • Expert disclosures to be completed by June 14, 2025.
- 28 • Rebuttal expert witnesses to be exchanged by July 14, 2025.

- All expert discovery to be completed by August 18, 2025.
- All dispositive motions, except for motions for continuances, temporary restraining orders or other emergency applications, to be filed by October 20, 2025.

This resolves ECF No. 49.

IT IS SO ORDERED

DATED: February 5, 2025.



UNITED STATES DISTRICT JUDGE